IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FOURTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MS JUSTICE G.ROHINI**

**WRIT PETITION NO : 6151 of 2005**

Between:

Smt. M. Ansuya W/o M.K. Prakash
R/o H. NO. 31, Tarbunda Bazar, Tarbund, Secunderabad-9

**..... PETITIONER**

AND

1 The Executive Officer Secunderabad Cantonmet Board, Secunderabad-3
2 B. Eshwar S/o Late B. Yellaiah
House No.30, Tarbund Bazar, Tarbund, secunderabad-9

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of respondent No.1 in not acting as per the provisions of the cantonments Act in containing the illegal construction being made by respondent No.2 as arbitrary, illegal, and unjust and consequently direct the respondent No.1 to take action against respondent No-2 for unauthorised construction and pass such other order or orders as this Hon'ble Court may deem fit and proper in the interest of justice.

**Counsel for the Petitioner : MR. C.M.R.VELU**

**Counsel for the Respondent No.1: MR.DEEPAK BHATTACHARJEE**

**The Court at the stage of admission made the following :**

**THE HON'BLE MS. JUSTICE G.ROHINI**

**WRIT PETITION NO.6151 OF 2005**

**ORDER :**

This writ petition is filed complaining that the second respondent has been proceeding with the unauthorised constructions at House No.30, Tarbund Bazaar, Secunderabad Cantonment Board. It is alleged that in spite of the fact that the petitioner got issued a notice, the first respondent has failed to take action. Hence, this writ petition.

Having heard the learned Counsel for the petitioner and the learned Standing Counsel appearing for the first respondent Board, without expressing any opinion as to the correctness of the allegations made by the petitioner, the Writ Petition is disposed of granting liberty to the petitioner to make an appropriate application before the first respondent about the alleged unauthorised constructions made by the second respondent. If any such representation is made by the petitioner within a period of two weeks, the same shall be considered by the first respondent and appropriate orders be passed in accordance with law after affording due opportunity to the second respondent to rebut the allegations as to unauthorised constructions. Such exercise shall be completed as expeditiously as possible preferably within a period of four weeks from the date of receipt of representation of the petitioner.

The Writ Petition is accordingly disposed of. No costs.

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24th March, 2005.

Note :- CC by 28/03/2005.

(B/O)

gbs

To

1 The Executive Officer Secunderabad Cantonmet Board, Secunderabad-3
2. Two CD copies.